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APPLICATION NO.	FILING DATE	1	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/826,772	04/16/2004		Tomonori Tominaga	52433/763 1288		
7590 07/23/2007 Robert T. Tobin				EXAMINER ·		
KENYON & K				KASTLER, SCOTT R		
One Broadway New York, NY 10004				ART UNIT	PAPER NUMBER	
ŕ				1742		
			•	<u> </u>		
				MAIL DATE	DELIVERY MODE	
				07/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/826,772	TOMINAGA ET AL.		
Examiner	Art Unit		
Scott Kastler	1742		

	Scott Nastiei	1772	
The MAILING DATE of this communication appe	ars on the cover sheet with the	correspondence add	ress
THE REPLY FILED <u>16 July 2007</u> FAILS TO PLACE THIS APPI			
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	the same day as filing a Notice of ving replies: (1) an amendment, af tice of Appeal (with appeal fee) in	f Appeal. To avoid aba fidavit, or other evider compliance with 37 C	ice, which FR 41.31; or (3)
a) The period for reply expires 3 months from the mailing date	of the final rejection.		
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire is	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin	ng date of the final rejecti	on.
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7		E FIRST REPLY WAS F	ILED MITHIN
Extensions of time may be obtained under 37 CFR 1.136(a). The date		136(a) and the appropria	te extension fee
nave been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig than three months after the mailing da	t of the fee. The appropri ginally set in the final Offi	iate extension fee ce action; or (2) as
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	o avoid dismissal of th	ns of the date of e appeal. Since
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered be	ecause
(a) ☐ They raise new issues that would require further co			coadoc
(b) They raise the issue of new matter (see NOTE belo		1 2 20.011,	
(c) They are not deemed to place the application in bet	· ·	educina or simplifyina	the issues for
appeal; and/or	act form for appear by materially re	oddoing or ouripinying	
(d) They present additional claims without canceling a	corresponding number of finally re	jected claims.	
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1			
4. The amendments are not in compliance with 37 CFR 1.1.		ompliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s)		•	•
6. Newly proposed or amended claim(s) would be al		timely filed amendme	ent canceling the
non-allowable claim(s).		, ,	•
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:		ill be entered and an e	explanation of
Claim(s) allowed:			
Claim(s) objected to:	•		•
Claim(s) rejected: <u>18-35</u> .			
Claim(s) withdrawn from consideration:		•	
AFFIDAVIT OR OTHER EVIDENCE	4 h - 6 d	1 - 41 4 A 1 401	4644
 The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 			
The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessar	vercome <u>all</u> rejections under appe	eal and/or appellant fai	Is to provide a
10. ☐ The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	entry is below or attach	ned.
 The request for reconsideration has been considered bu <u>See Continuation Sheet.</u> 	t does NOT place the application i	n condition for allowar	nce because:
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08) Paper No(s)	1 h .	_
13.			
) * '	
		Scott Kastler	

Scott Kastler Primary Examiner Art Unit: 1742

Continuation Sheet (PTO-303)

Continuation of 3. NOTE: At least the newly added limitations in newly presented step (e) of new claim 36 raises new issues requiring further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's requiest for reconsideration of the finality of the last office action is not persuasive because applicant's amendent of the claims in the response filed on 2/23/2007 caused the new grounds of rejection, and therefore the finality of the office4 action mailed on 4/17/2007 is proper.